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HANDLING INDICATOR

TO : Department of State

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DEPARTMENT OF STATEINFO : BANGKOK PHNOM PENH USMISSION GENEV USMISSION NATO
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RS/AN
ANALYSIS BRANCH

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FROM : Amembassy SAIGON

DATE: February 2, 1973

SUBJECT : Text of Vietnamese Decree Law on Fishing Zone

REF : (A) SAIGON 565; (B) SAIGON 840; (C) SAIGON 1561

There follows the text of the subject Decree Law as released by the
Presidency and translated by the Embassy:

"REPUBLIC OF VIETNAM
OFFICE OF THE PRESIDENCY
NUMBER: 056-TT/SLU

THE PRESIDENT OF THE REPUBLIC OF VIET-NAM

Considering the Constitution of the Republic of Viet-Nam dated
April 1st, 1967;

Considering Decree Law #394/TT/SL dated September 1st, 1969
and subsequent documents specifying the composition of the
government;

Considering Decree Law dated September 22nd, 1936 and subsequent
documents establishing the fishing territorial waters in
Indochina;

Considering Law #005/72 dated June 28, 1972 vesting the
President of the RVN with authority to promulgate decree laws
on indispensable measures in the field of security, national
defense, economy and finance;

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FORM
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Drafted by: POL:RBarrett:cp 2-2-73 Contents and Classification Approved by:
MINPOL:JWBennett

Clearances:

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Following deliberation of the Council of Ministers,

Promulgates the following

Decree Law:

Article 1: With respect to fishing, the territorial waters of Viet-Nam have a breadth of 50 nautical miles, extending from the Vietnamese national territorial waters.

With regard to the maritime zone lying between the RVN, Cambodia and Thailand, the territorial waters with respect to fishing shall be calculated along the median line dividing this area.

Article 2: All types of foreign junks, boats and ships are banned from fishing, exploiting, purchasing and selling sea products under whatever form in the territorial waters of Viet-Nam as stipulated in Article 1, unless previous permits have been issued by the Republic of Viet-Nam.

Article 3: Commanders of warships, commanders of patrol ships, ships under control of the Fishery Office, Sea Transportation Office and the General Customs Office, are allowed to check and seize offending boats and send them to the nearest Fishery Office for investigation.

If the financial penalty cannot be settled, the case must be brought before the Court on the day when the report of infringement is completed.

Article 4: Captains and crewmen of foreign boats in violation of Article 2 of the present decree law will be punished as follows:

- Imprisonment from one month to one year and fines from 6 million to 10 million VN piasters or one of the above-mentioned sanctions if the boats are less than 50 tons.
- Imprisonment from three months to two years and fines from 10 million to 20 million VN piasters or one of the above-mentioned sanctions if the boats are from 50 to 100 tons.
- Imprisonment from six months to three years and fines from 20 million to 40 million VN piasters or one of the above-mentioned sanctions if the boats are over 100 tons.

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In addition, all sea-products and fishing equipment on an offending boat will be confiscated and sold at auction. The receipts resulting from such sales will go into the national budget. Fishing equipment forbidden for use in the Republic of Viet-Nam will be destroyed.

The boats will be detained as a guarantee for the payment of fines. The boat owners will pay all expenditures for the supervision of boats violating the regulations.

If the boat is detained for more than six months after the date of infringement and the boat owner cannot pay the fines, the boat will be sold at auction and the receipts will go into the national budget.

Article 5: In the case of a repeating offender the fines will be doubled. The following will be considered repeating offenders of the present Decree Law during a period of three months following a previous sanction: the same captain, the same boat, or the same boat owner, or the same boat hirer.

Article 6: Before final sentence, the Ministry of Land Reform, Fisheries Development and Animal Husbandry, or the interested office, is allowed to negotiate the financial sanctions relating to the infringement of Article 2 of the present Decree Law.

If the negotiation is entrusted to another party, such negotiating is final only when the Ministry of Land Reform, Fisheries Development and Animal Husbandry gives its approval.

Article 7: The competent tribunal is the Court of First Instance where the Fisheries Office receives the violation.

The sentence must be pronounced in the shortest possible time.

Article 8: The parties which succeed in capturing a boat violating the law will be rewarded according to the regulations in force.

Article 9: With respect to officials mentioned in Article 3, if they collude with the Captain of an offending boat or seek

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to protect him, they will be fined from VN \$500,000 to VN \$1,000,000 and be sentenced to imprisonment from one month to two years, or one of the above-mentioned sanctions, plus any other disciplinary measures in accordance with the law.

Article 10: Any regulations conflicting with the present Decree Law are considered null and void.

The present decree law will be published in the Republic of Viet-Nam's Official Journal.

Saigon, December 26, 1972

Signed: Nguyen Van Thieu"

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